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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-3998-2017

Date of Decision:- November 21, 2017

Ankush Chaudhary

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Pawan Kumar, Senior Advocate,
with Mr. R.K. Aggarwal, Advocate,
for the petitioner.

Mr. Satish Saini, D.A.G. Haryana
for the respondent-State.

SHEKHER DHAWAN, J.

Present Revision petition is for setting aside order, dated 18.09.2017 (Annexure P/1), passed by learned Principal Magistrate, Juvenile Justice Board, Karnal and order dated 9.10.2017 (Annexure P/2) passed by learned Additional Sessions Judge, Karnal whereby bail application of the revisionist, a juvenile in conflict with law, was dismissed in case bearing FIR No.0399 dated 30.05.2017 registered under Sections 186, 307, 332, 34, 353 IPC and Section 25 of the Arms Act, at Police Station Civil Lines, Karnal.

2. Facts relevant for the purpose of decision of the present revision petition; that on 30.05.2017, a shoot-out incident had taken place in the Court complex of Karnal, which resulted into gun-shot injuries to under-trial, Neeraj Punia and EASI Jitender. As per the first information report, assailants were four in number and out of them, two were arrested on the

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spot and the remaining two could make an escape and the petitioner was arrested subsequently on the basis of statement of co-accused.

3. Learned counsel for the petitioner contended that the petitioner, who is otherwise a juvenile in conflict with law and was of the age of 17 years on the date of alleged occurrence, is in custody since 31.5.2017 and he has been falsely implicated in this case as there is nothing to connect him with the alleged crime. He was not arrested on the spot and the main accused, who have already been arrested in this case, are in custody. The name of the petitioner was disclosed in the statement of co-accused, which has otherwise no evidentiary value as per law. The continuance confinement of the petitioner shall be against the interest of juvenile in conflict with law and the trial of the case still to take some more time to be over. So he be released on bail.

4. Learned State counsel while opposing the present application submitted that both the Courts below have rightly declined the bail to the petitioner as incident is most unfortunate and serious resulting into gun-shot incident in the Court complex itself and causing injuries to two persons including one police official. The petitioner was arrested on the basis of investigation and a country-made pistol was recovered from him. So the present petitioner is not entitled to bail and the revision petition be dismissed.

5. Having considered the submissions made by learned counsel for the parties, this Court is of the considered view that the petitioner, who is a juvenile in conflict with law was not arrested on the spot, but his name was surfaced on the basis of statement of co-accused, both the main accused in this case have already been arrested on the spot. The petitioner was not named in the FIR. Otherwise, also the petitioner is in

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custody since 31.5.2017 and trial of the case still to take some more time and the continuous confinement of the petitioner shall not be in the interest of a juvenile in conflict with law, the petitioner is entitled to be released on bail

6. Resultantly, the present revision petition is allowed and the orders dated 18.09.2017 (Annexure P/1), passed by learned Principal Magistrate, Juvenile Justice Board, Karnal and order dated 9.10.2017 (Annexure P/2) passed by learned Additional Sessions Judge, Karnal are set-aside. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of Chief Judicial Magistrate/Principal Magistrate, Juvenile Justice Board, Karnal.

November 21, 2017
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(SHEKHER DHAWAN)
JUDGE

Speaking/Reasoned
Reportable

Yes
Yes